

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CIVIL ACTION NO: 02-2994

JUDGE CHARLES R. WEINER

GLARE MATHESON, BEVERLY MATHESON  
AND NAVONA MATHESON,

Plaintiffs

v.

NATIONAL RAILROAD PASSENGER  
CORPORATION

Defendant

and

CARTON SALES AND MANUFACTURING CO.,  
d/b/a TIM-BAR CORPORATION

Defendant.

\_\_\_\_\_ /

**NOTICE OF MOTION FOR PRO HAC VICE APPLICATION OF**  
**JOSEPH A. WOLSZTYNIAK, JR.**

PLEASE TAKE NOTICE that the undersigned attorneys for CARTON SALES AND MANUFACTURING CO., d/b/a TIM-BAR CORPORATION (“Tim-Bar”) shall apply to the United States District Court for the Eastern District of Pennsylvania for an Order admitting Joseph A. Wolsztyniak, Jr., Esquire, pro hac vice.

In support hereof, Tim-Bar shall rely upon the Certification of Robert J. Foster, Esquire, attached hereto; the Certification of Joseph A. Wolsztyniak, Jr., Esquire, attached hereto, and the proposed form of Order, attached hereto.

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Robert J. Foster, Esq.  
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*Attorneys for Third Party Defendant Carton Sales and  
Manufacturing Co., d/b/a Tim-Bar Corporation*

Dated: September \_\_\_\_\_, 2003

**CERTIFICATE OF SERVICE**

I hereby certify that the original of the foregoing Notice of Motion and supporting documents have been delivered via regular US Mail to the Clerk at the United States District Court of the Eastern District of Pennsylvania, United States Courthouse, 601 Market Street, Room 2609, Philadelphia, Pennsylvania, and that a copy has been delivered via regular US Mail to plaintiff's attorney and defendant/third party plaintiff's attorney on September \_\_\_\_\_, 2003.

\_\_\_\_\_  
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\_\_\_\_\_ /

**ORDER**

The Notice of Motion for Pro Hac Vice Application of Joseph A. Wolszytniak, Jr., having been duly considered by this Court, is hereby GRANTED.

\_\_\_\_\_  
HONORABLE CHARLES R. WEINER

cc: All counsel of record

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CORPORATION

Defendant/Third Party Plaintiff

v.

CARTON SALES AND MANUFACTURING CO.,  
d/b/a TIM-BAR CORPORATION

Third Party Defendant.

\_\_\_\_\_ /

**CERTIFICATION OF JOSEPH A. WOLSZTYNIAK, JR., ESQUIRE**

\_\_\_\_\_ Joseph A. Wolsztyniak, Jr., Esquire hereby certifies as follows:

1. I am an attorney and am counsel to Carton Sales and Manufacturing Co., d/b/a Tim-Bar Corporation.
2. I was and am counsel for Tim-Bar in Selwyn Gafen v. Tim-Bar, et al , Case No.: 01-7626 in the United States District Court for the Southern District of Florida and Wesley Carlson v.

Tim-Bar, et al, Case No.: 02-12629 CA 25 in the Circuit Court in and for Miami-Dade County, State of Florida.

3. The Gafen and Carlson lawsuits arose from the same truck-train collision as the present case and I am therefore familiar with the facts leading up to the collision.

4. I was admitted to practice law in the State of Florida in 2001 and have been in good standing in said state as an attorney since that time.

5. I was admitted to practice law in the State of Hawaii in 1992 and have been in good standing in said state as an attorney since that time.

6. I was admitted to practice law in the State of Illinois in 1980 and have been in good standing in said state as an attorney since that time.

7. I am admitted to practice law in the following courts:

- a. United States District Court, for the Northern, Middle and Southern Districts of Florida
- b. United States District Court, for the District of Hawaii
- c. United States District Court, for the Northern District of Illinois
- d. United States Supreme Court
- e. United States Court of Appeals for the Seventh Circuit
- f. United States Court of Appeals for the Ninth Circuit
- g. United States Court of Appeals for the Eleventh Circuit
- h. United States Court of Appeals for the Federal Circuit
- i. United States Tax Court
- j. United States Court of International Trade

k. United States Court of Military Appeals (non US Court of Appeals for the Armed Forces)

l. All state courts for the State of Florida

m. All state courts for the State of Illinois

n. All state courts for the State of Hawaii

6. For the reasons set forth below, I respectfully request that I be admitted pro hac vice to represent Carton Sales and Manufacturing Co., d/b/a Tim-Bar Corporation in this action.

7. Carton Sales and Manufacturing Co., d/b/a Tim-Bar Corporation wishes me to assist in its defense in this action because I am familiar with the facts relevant to this matter.

8. For these reasons, I respectfully submit that there is good cause for this pro hac vice admission.

9. Robert J. Foster, Esquire, will remain the attorney of record in this matter.

10. My appearance as co-counsel for Tim-Bar in this proceeding is only for this action and I do not engage in and have no intention of engaging in the general practice of law in the State of Pennsylvania.

11. I have not filed a Motion for Pro Hac Vice Application to Appear in Pennsylvania pro hac vice in the preceding three years.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willingly false, I am subject to punishment.

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Joseph A. Wolsztyniak, Jr., Esquire  
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Adorno & Yoss, P.A.  
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*Attorneys for Third Party Defendant Carton  
Sales and Manufacturing Co., d/b/a Tim-Bar  
Corporation*

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\_\_\_\_\_/

**CERTIFICATION OF ROBERT J. FOSTER, ESQUIRE IN SUPPORT OF  
THE PRO HAC VICE APPLICATION OF JOSEPH A. WOLSZTYNIAK, JR., ESQUIRE**

\_\_\_\_\_  
Robert J. Foster, Esquire, hereby certifies as follows:

1. I am a member of the bar of this Court and a member of Reger & Rizzo, LLP, attorneys for defendant Carton Sales and Manufacturing Co., d/b/a Tim-bar Corporation ("Tim-Bar") in the above matter.

2. This certification is made in support of Tim-Bar's application for pro hac vice admission of Joseph A. Wolsztyniak, Jr., Esquire.

3. Joseph A. Wolsztyniak, Jr., Esquire is counsel to Tim-Bar and is most familiar with the facts governing this case. Because of this, Tim-Bar desires that Joseph A. Wolsztyniak, Jr., Esquire represent it in this matter.

4. Further, pursuant to Local Rule of Civil Procedure 83.5.2(a), I, Robert J. Foster, Esquire, will serve as counsel of record upon whom all pleadings, motions, notices and other papers can be served conformably to the Federal Rules of Civil Procedure and the rules of this Court.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by my are willingly false, I am subject to punishment.

---

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